



AF/2876

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Tara Chand Singhal	)	
Serial No:	9 <del>10</del> 097196,963	)	Art Unit
Filed:	November 20, 1998	)	2876
For:	UNIVERSAL CHARITY CARD SYSTEM	)	
Examiner:	St. CYR, DANIEL.	)	
Attorney Docket:	11195.10	)	

**COMPLETE NEW APPEAL BRIEF**

**IN RESPONSE TO Notification of Non-Compliance with CFR 1.192(c)**

Commissioner for Patents

P O Box 1450, Alexandria, VA 22313-1450

Dear Sir:

This response is to Notification of Non-Compliance with 37 CFR 1.192 (c), dated 12/05/2003, having a shortened statutory period of one month from the Notice date.

The Notice noted informalities in the Appeal Brief that was filed on 8/29/03. The informality specifically noted was that the Summary of Invention section of the Appeal Brief did not reference the application by page and line number, and drawings by reference number.

This informality has now been corrected and a complete new Appeal Brief is being re-filed in triplicate, as required within the statutory time period, on or before 1/5/2004

It should be noted that the Appellant is the inventor and is not a registered practitioner. The Notice of Appeal was filed 6/30/03 on the Final office action dated 5/7/03.

Dated this the 3rd day of January, 2004

Respectfully submitted,

Tara Chand Singhal

Appellant



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CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: Appeal Brief, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, on 3rd Jan, 2004 by Tsing TARA CHAND SINGHAL, Applicant

## **APPEAL BRIEF**

### **(1) REAL PARTY IN INTEREST**

Same as identified in the caption of the brief.

### **(2) RELATED APPEALS AND INTERFERENCES**

None

### **(3) STATUS OF CLAIMS**

Claims 1-44 have been canceled without prejudice. Claims 45-74 are pending in the Application. Claims 45-74 are rejected in a Final Office Action dated 5/7/2003, which rejection is being hereby appealed in this appeal.

### **(4) STATUS OF AMENDMENTS**

No amendments have been filed after the Final Rejection Action of 5/7/2003

### **(5) SUMMARY OF INVENTION**

[Page 1, lines 23-28, Page 2, lines 1 to 28] In a prior art method of raising funds, benefactors of a charity, desiring to raise funds for the charity approach a merchant and buy gift certificates at a discount from the face value. The benefactors then sell the gift certificate at face value to other benefactors of the charity. The difference in the face value and the discount value is then given to the charity. The benefactors when shopping at the merchant use the gift certificates. This method involves the considerable efforts such as: (i) the effort involved by the benefactors to approach the merchant, buy the gift certificates from the merchant and in selling to the other

benefactors, (ii) other benefactors have to shell out cash then to buy these gift certificates and use them in the future, (iii) the effort involved by the merchant in printing and selling the gift certificates. The present invention automates the system and method of charitable donation from the merchants to the charities at a local and national level, where the merchant is willing to make a donation to the charity from the sales to the benefactors of the charity.

[Page 3, lines 4 to 27, page 4, lines 1 to 28, page 5, lines 2 to 8, page 6, lines 11 to 22] The invention discloses system and method for a Universal Charities Card System (UCCS) that enables the charities to efficiently collect charitable funds from those merchants who have agreed to donate a percent of sales to those benefactors of the charity who shop at the merchant. The UCCS system and method are facilitated by (i) a UCCS charitable system, (ii) a UCCS charitable card and a (iii) UCCS merchant software in the merchant computer system accessible in the merchant point of sale terminal.

[Page 4, lines 16 to 28, Page 8, lines 9 to 27, page 9, lines 1 to 24, Figure 1 and 4, references 15, 15A, 30, 31, 32, 33, 4, 35, 36, 37, 38, 39, 40, 41] The charitable system keeps data on charities, merchants, and customers and issues a charitable card. The card may be sent directly to the benefactor. Alternatively, the card may be sent to the charity, which then may distribute it to its benefactors. The charity system may aggregate donations across many merchants for many charities and make a consolidated transfer of funds to a charity on a periodic basis. Alternatively, large merchants may choose to make their own fund transfer to a charity. The system may also prepare accounting statements for the charities, merchants and benefactors.

[Page 6, lines 24 to 28, page 7, lines 1 to 25, Figure 2, references 11, 16, 17, 18, 19] The charitable card encodes customer identifier and plurality of charities or charitable causes along with a percent split. The benefactor presents the charity-card to the merchant each time the benefactor patronizes the merchant. The merchant point of sale terminal reads the encoded information on the card.

[Page 3, lines 12 to 27, page 7, lines 14 to 28, page 8, lines 1 to 7, Figure 3, references 20, 25, 26, 27, 28, 29] The UCCS merchant software associates the encoded card information with an existing entry in a UCCS merchant database maintained by the software or creates a new entry. The UCCS software computes a charitable contribution as a percent of the current sale to the benefactor. The UCCS database maintains the data relevant to each transaction with the benefactor by date, charitable entity identification, charitable donations for each transaction, and cumulative donations. The UCCS merchant software can print on each sales receipt given to the benefactor, the names of charitable entities, donations for that transaction and cumulative donations from the prior sales transactions.

## **(6) ISSUES**

Examiner in a Final Office Action dated 5/7/2003 has rejected claims 45-74, under 35 USC 103(a) Obviousness Rejection as being unpatentable over Pekka, EP Patent No. 0 623 235 and a common practice in the art for merchants to offer a percentage of customer sale to specific charity in order to attract more customer.

Appellant submits such rejection is improper under 35 USC 103(a) and Graham v. Deere which governs determination of obviousness by the USPTO.

35 U.S.C 103(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Graham v. Deere governs determination of obviousness by the USPTO. The following factors are considered: 1) the scope and content of prior art; 2) differences between the claims and prior art; 3) the level of ordinary skill in the art; and 4)

secondary factors such as commercial success, long-felt and unsolved need, and copying by others (if obviousness is not clear from consideration of the first three factors).

## **(7) GROUPING OF CLAIMS**

The following groups of claims do not stand and fall together:

- (i) System Claims are grouped as 45-52
- (ii) Function claims are grouped as 53-60
- (iii) Method claims are grouped as 61-71
- (iv) System claims 72-74

## **(8) ARGUMENT**

The two items of prior art that are cited by the examiner are:

### Prior Art Item (1)

Pekka, EP Patent No. 0 623 235, Pekka discloses, a system, where, an individual is choosing to make charitable contributions to a charity and is merely using the incident of a purchase transaction with a merchant to tender extra money than required for the purchase, intending to give the extra money as a charitable contribution and the merchant forwarding the individual's contributions to the charity, the identification of the charity being facilitated by a charity card on which the charity information is encoded and the charity card is presented to the merchant at the point of sale.

Prior Art Item (2) Examiner notes " That it is a common practice in the art for merchants to offer a percentage of sale to a customer to specific charity in order to attract more customer."

In the current invention, the charity joins a Universal Charity Card System (UCCS) and persuades a merchant to join the UCCS by the merchant agreeing to provide a percentage of sales to charity's benefactors to the charity. The charity provides the names of the benefactors to the UCCS, which prints and makes charity cards available to the charity for distribution to the benefactors. Alternatively, as a matter of convenience, the benefactors can join the UCCS directly and specify one or more charities or specific projects within a charity, and receive a charity card directly from the UCCS. The card identifies and encodes the charity or charities and the benefactor. The benefits of the UCCS over the prior art are:

- (1) The benefactors need not buy gift certificates from the merchant for cash in advance.
- (2) The benefactors need not sell the gift certificates to other benefactors.
- (3) The benefactors need not buy gift certificates from other benefactors and then use them over time at the merchant for purchases.
- (4) The merchant need not print, sell and process gift certificates.
- (5) The benefactor can get a charity card that can encode multiple charities, or specific causes within a charity and the benefactor identification.
- (6) A UCCS merchant function reads the charity card when presented at the point of sale by the benefactor and maintains a database identifying the benefactor, split between the multiple charities or causes, and merchant contribution as a specific percent of the sale transaction.
- (7) Merchant decides the percentage contribution for specific charities.
- (8) UCCS Merchant function prints a sales receipt for the benefactor/customer that identifies the contribution amount and the name of the charity or cause.
- (9) UCCS Merchant function prints a sales receipt for the benefactor/customer that identifies the cumulative contributions to the charities in addition to the contribution from a specific sale transaction.
- (10) UCCS enables charities to join the UCCS via Internet and provide a list of benefactors for charity cards to be printed and mailed once to charity for

distribution to benefactors. Alternatively, benefactors may join the UCCS directly via Internet and select a charity or charities or charitable causes within a charity and decide upon a percent split for more than one cause.

- (11) UCCS interface with the merchant system aggregates the donations across merchants and enables one periodic electronic fund transfer from the merchant to charity. Alternatively large chain merchants can manage their own fund transfer to the charities.
- (12) Maintain and provide accounting and reports to the benefactor, charity and the merchant.
- (13) UCCS is applicable and scaleable to any number of charities, benefactors and merchants, across the nation and therefore is called Universal Charity Card System.
- (14) Those portions of the sales of a merchant that are allocated to the charity from the sales to the benefactors of charity move effortlessly from the merchant to the charity with maximum efficiency. Thus, a charity is able to collect funds and the merchant is able to build goodwill in the community by responding to local or national charities via the UCCS.

In prior art, any person can make a donation to a charity of his/her choice at any time by sending a check or other means of transferring funds to the charity. Alternatively, the person may find it more convenient to make a donation to a charity of choice when the person is shopping at a merchant. Then at the time of the sale transaction, the person can offer extra money in addition to the purchase amount to the merchant and request the merchant to forward such extra monies to the charity of the person's choice. This can be facilitated via a charity card that the person carries with him/her. The card identifies the charity to which the funds are to be sent. The merchant may read the card electronically to identify and record donations to the charity and is choosing to do provide this convenience to the person. Prior art patents disclose such a system. In Pekka, the customer is choosing to make a donation to a charity out of own his/her own personal funds and merely as a matter of convenience uses the customer merchant sale/purchase interface to forward those funds to the charity via a charity card



encoded with charity identification depending upon the merchant to collect these additional monies and forward them to the charity.

In prior art, some merchants to create goodwill for their business among the public at large including their existing customers, for a limited time, offer an incentive to patronize the merchant. The incentive to the public to patronize the merchant is done by general advertising that if the public at large were to shop at the merchant, the merchant would donate a part of the sale transactions for a specified limited time to a charity selected by the merchant. As an illustration, in the past so many years and based on public knowledge, of which Applicant is aware of, there have been instances where a merchant has advertised a donation to US Olympics if the public were to patronize the merchant. This is referred to as "the common practice in the art for merchants to offer a percentage of customer sales to a specific charity in order to attract more customers" by the examiner.

In the current invention, the claim group 45-52 is for a charity system facilitating contributions from a merchant to a charitable entity using means clauses. The independent claim 45 provides:

45. A charity system facilitating contributions from a merchant to a charitable entity comprising:
- a. first means for making available a charity card with encoded charity identification to a select group of public desiring to benefit the entity;
  - b. second means for a merchant computer system with a sale terminal, on being presented the charity card, reading the encoded charity card, computing a contribution by multiplying a sale amount and a percent of sale and allocating the contribution to the entity, wherein the merchant will contribute to the entity the percent of sales of the merchant to the select group;
  - c. third means for aggregating the allocated contributions from a plurality of sale transactions with the select group and sending the aggregate contributions to the entity.

The claim 45 has element (b) that is not taught by Pekka and elements (a), (b), and (c) that are not taught by the common practice of the merchants making a donation to the charities.

Specifically element (b) states that the merchant makes a contribution from the proceeds of the sales of the merchant as a percent of sales. In Pekka, the contribution is by the customer of customer's own funds.

Also, specifically, the differences between the common practice and the current invention claims 45-52 are:

- (a) In the common practice art, the merchant makes a donation to a charity of merchant's choice and not of an individual customer's choice who shop at the merchant as in this invention. In the common practice, a merchant selects one charity, whereas in this invention the customers of the merchant can individually select their charity of choice.
- (b) In the common practice art, the merchant makes a contribution as a percentage from all sales from all customers and not from sales to specific group of customers who intend to benefit a specific charity of their own choosing as in this invention. In the common practice, the merchant is obligating to make a contribution from all sales to all customers, including the customers who are not aware of and are not influenced to shop at the merchant based on merchant pledge to make a contribution. Whereas in the current invention, the merchant is obligating to make a donation to only those customers who are influenced by a charity to shop at the merchant.

As an analogy, when the merchant advertises a special sale, the merchant is obligated to give the sale price to all customers whether or not the customers are aware of the sale and have been influenced by the sale. But if the merchant offers a sale via a coupon discount, only those customers who receive the coupon and are influenced to shop at the merchant are given the discount. It is more economical for the merchant to offer sale prices or discounts to those who are influenced by the sale and not to every customer. Similarly in the UCCS, it is more economical for the merchant to give a charitable donation for those

customer sales where the customer is influenced to shop by the charity and presents a charity card that identifies the charity.

- (c) In the common practice art, the merchant makes charitable contributions from all sales to a specific charity and does not distinguish or segregate sales between those customers who want to benefit specific charities(s) as in this invention.
- (d) In the common practice art, the merchant does not print on a sales receipt of a particular customer the funds donated to charity on behalf of that particular customer to a charity of customer's choosing as in this invention. In the common practice, the merchant does not print on a sales receipt to a particular customer the cumulative contributions to a specific charity(s) based on sales to that customer as in this invention. When a customer sees printed on the sales receipt the amount of money being given to a charity of his/her choice, it acts as an immediate motivating factor creating a good will for the merchant, from which the merchants benefits by building loyalty. Thus the UCCS charity card acts as a loyalty card for the merchant. The common practice is usually limited for short duration in time such as three months and does not act as a loyalty card for the merchant and therefore a UCCS is much more effective for the merchant in building goodwill in the community and increasing sales.

In view of these arguments, the claim 45 is not obvious over the cited combination of the prior art. Dependent claims are likewise not obvious over the cited combination of the prior art. Appellant submits that the scope and content of prior art and the differences between the claims of this invention and prior art is such that an obviousness rejection has no grounds. Therefore, the obviousness rejection fails the Graham v. Deere test.

In the current invention, the claim group 53-61 is for a charity system facilitating contributions from a merchant to a charitable entity using function clauses. The independent claim 53 provides:

53. A charity system facilitating contributions from a merchant to a charitable entity comprising:

- a. a first function for receiving and storing entity data of those entities willing to influence a select group of public to patronize those merchants who are willing to contribute a percent of their sales to the entities;
- b. a second function for receiving and storing data of members of select group desiring to patronize merchants willing to contribute to the entity;
- c. a third function printing and mailing a charity card encoded with charity identification and member identification to the members of select group;
- d. a fourth function in a merchant computer system with a sale terminal enabling reading the charity card and computing a contribution as a percent of sale and storing said contribution data identified by entity identification and member identification into a merchant database.

This claim 53 has elements (c ) and (d) that are not taught by Pekka and elements (a), (b), (c) and (d) that are not taught by the common practice of the merchants making a donation to the charities.

Specifically element (c) states that the charity card is encoded with charity identification and customer identification and element (d) states that the merchant makes a contribution from the proceeds of the sales of the merchant as a percent of sales. In Pekka, the charity card is encoded with charity identification and the contribution is by the customer of customer's own funds.

Also, specifically, the differences between the common practice and the current invention claims 53-60 are:

- (a) In the common practice art, the merchant makes a donation to a charity of merchant's choice and not of an individual customer's choice who shop at the merchant as in this invention. In the common practice, a merchant selects one charity, whereas in this invention the customers of the merchant can individually

select their one or more charity of choice and split the contributions between those charities.

- (b) In the common practice art, the merchant makes a contribution as a percentage from all sales from all customers and not from sales to specific group of customers who intend to benefit a specific charity of their own choosing as in this invention. In the common practice, the merchant is obligating to make a contribution from all sales to all customers, including the customers who are not aware of and are not influenced to shop at the merchant based on merchant pledge to make a contribution. Whereas in the current invention, the merchant is obligating to make a donation to only those customers who are influenced by a charity to shop at the merchant.

As an analogy, when the merchant advertises a special sale, the merchant is obligated to give the sale price to all customers whether or not the customers are aware of the sale and have been influenced by the sale. But if the merchant offers a sale via a coupon discount, only those customers who receive the coupon and are influenced to shop at the merchant are given the discount. It is more economical for the merchant to offer sale prices or discounts to those who are influenced by the sale and not to every customer. Similarly in the UCCS, it is more economical for the merchant to give a charitable donation for those customer sales where the customer is influenced to shop by the charity and presents a charity card that identifies the charity.

- (c) In the common practice art, the merchant makes charitable contributions from all sales to a specific charity and does not distinguish or segregate sales between those customers who want to benefit specific charities(s) as in this invention.
- (d) In the common practice art, the merchant does not print on a sales receipt of a particular customer the funds donated to charity on behalf of that particular customer to a charity of customer's choosing as in this invention. In the common practice, the merchant does not print on a sales receipt to a particular customer the cumulative contributions to a specific charity(s) based on sales to that customer as in this invention. When a customer sees printed on the sales receipt the amount of money being given to a charity of his/her choice, it acts as an

immediate motivating factor creating a good will for the merchant, from which the merchants benefits by building loyalty. Thus the UCCS charity card acts as a loyalty card for the merchant. The common practice is usually limited for short duration in time such as three months and does not act as a loyalty card for the merchant and therefore a UCCS is much more effective for the merchant in building goodwill in the community and increasing sales.

In view of these arguments, the claim 53 is not obvious over the cited combination of the prior art. Dependent claims are likewise not obvious over the cited combination of the prior art. Appellant submits that the scope and content of prior art and the differences between the claims of this invention and prior art is such that an obviousness rejection has no grounds. Therefore, the obviousness rejection fails the Graham v. Deere test.

In the current invention, the claim group 61-71 is for a method for facilitating contributions from a merchant to a charitable entity using steps. The independent claim 61 provides:

61. A method facilitating contributions from a merchant to a charitable entity comprising the steps of:
- a. making available to a select group of public desiring to benefit the entity a charity card with encoded entity identification;
  - b. presenting the merchant at a merchant computer system with a sale terminal the charity card by members of the select group; and
  - c. reading by the merchant sale terminal of the charity card, computing a contribution by multiplying a sale amount and a percent of sale and allocating the contribution to the entity, wherein the merchant will contribute to the entity the percent of sales of the merchant to the select group.

This claim 61 has elements (c) that is not taught by Pekka and elements (a), (b), and (c) that are not taught by the common practice of the merchants making a donation to the charities.

Specifically element (c) states that the merchant makes a contribution from the proceeds of the sales of the merchant as a percent of sales. In Pekka, the contribution is by the customer of customer's own funds.

Also, specifically, the differences between the common practice and the current invention claims 61-71 are:

- (a) In the common practice art, the merchant makes a donation to a charity of merchant's choice and not of an individual customer's choice who shop at the merchant as in this invention. In the common practice, a merchant selects one charity, whereas in this invention the customers of the merchant can individually select their charity of choice.
- (b) In the common practice art, the merchant makes a contribution as a percentage from all sales from all customers and not from sales to specific group of customers who intend to benefit a specific charity of their own choosing as in this invention. In the common practice, the merchant is obligating to make a contribution from all sales to all customers, including the customers who are not aware of and are not influenced to shop at the merchant based on merchant pledge to make a contribution. Whereas in the current invention, the merchant is obligating to make a donation to only those customers who are influenced by a charity to shop at the merchant.

As an analogy, when the merchant advertises a special sale, the merchant is obligated to give the sale price to all customers whether or not the customers are aware of the sale and have been influenced by the sale. But if the merchant offers a sale via a coupon discount, only those customers who receive the coupon and are influenced to shop at the merchant are given the discount. It is more economical for the merchant to offer sale prices or discounts to those who are influenced by the sale and not to every customer. Similarly in the UCCS, it is more economical for the merchant to give a charitable donation for those

customer sales where the customer is influenced to shop by the charity and presents a charity card that identifies the charity.

- (c) In the common practice art, the merchant makes charitable contributions from all sales to a specific charity and does not distinguish or segregate sales between those customers who want to benefit specific charities(s) as in this invention.
- (d) In the common practice art, the merchant does not print on a sales receipt of a particular customer the funds donated to charity on behalf of that particular customer to a charity of customer's choosing as in this invention. In the common practice, the merchant does not print on a sales receipt to a particular customer the cumulative contributions to a specific charity(s) based on sales to that customer as in this invention. When a customer sees printed on the sales receipt the amount of money being given to a charity of his/her choice, it acts as an immediate motivating factor creating a good will for the merchant, from which the merchants benefits by building loyalty. Thus the UCCS charity card acts as a loyalty card for the merchant. The common practice is usually limited for short duration in time such as three months and does not act as a loyalty card for the merchant and therefore a UCCS is much more effective for the merchant in building goodwill in the community and increasing sales.

In view of these arguments, the claim 61 is not obvious over the cited combination of the prior art. Dependent claims are likewise not obvious over the cited combination of the prior art. Appellant submits that the scope and content of prior art and the differences between the claims of this invention and prior art is such that an obviousness rejection has no grounds. Therefore, the obviousness rejection fails the Graham v. Deere test.

In the current invention, the claim group 72-74 is for sales receipt from a merchant to a customer specific to those customers and merchants who are participants in the UCCS. The independent claim 72 provides:



72. A sales receipt printed for a customer by a merchant sales terminal, wherein the sales receipt comprising: on the face of the sales receipt, identification of a charitable entity along with an amount of contribution to the entity by the merchant.

This claim 72 has elements that are not taught by Pekka and are also not taught by the common practice of the merchants making a donation to the charities. Specifically, the differences between the common practice and the current invention claims 72-74 are:

- (a) In the common practice art, the merchant does not print on a sales receipt of a particular customer the funds donated to charity on behalf of that particular customer to a charity of customer's choosing as in this invention.
- (b) In the common practice, the merchant does not print on a sales receipt to a particular customer the cumulative contributions to a specific charity(s) based on sales to that customer as in this invention.

When a customer sees printed on the sales receipt the amount of money being given to a charity of his/her choice, it acts as an immediate motivating factor creating a good will for the merchant, from which the merchants benefit by building loyalty. Thus the UCCS charity card acts as a loyalty card for the merchant. The common practice is usually limited for short duration in time such as three months and does not act as a loyalty card for the merchant and therefore a UCCS is much more effective for the merchant in building goodwill in the community and increasing sales.

In view of these arguments, the claim 72 is not obvious over the cited combination of the prior art. Dependent claims are likewise not obvious over the cited combination of the prior art. Appellant submits that the scope and content of prior art and the differences between the claims of this invention and prior art is such that an obviousness rejection has no grounds. Therefore, the obviousness rejection fails the Graham v. Deere test.

**(9) APPENDIX**

Claims involved in this appeal are:

45. A charity system facilitating contributions from a merchant to a charitable entity comprising:

- a. first means for making available a charity card with encoded charity identification to a select group of public desiring to benefit the entity;
- b. second means for a merchant computer system with a sale terminal, on being presented the charity card, reading the encoded charity card, computing a contribution by multiplying a sale amount and a percent of sale and allocating the contribution to the entity, wherein the merchant will contribute to the entity the percent of sales of the merchant to the select group;
- c. third means for aggregating the allocated contributions from a plurality of sale transactions with the select group and sending the aggregate contributions to the entity.

46. The charity system as in claim 45, wherein the first means comprising:

- a. means for members of the select group registering into the charity system;
- b. means for the charity system printing the charity card identifying the entity by an encoding means and mailing the charity cards to members of the select group.

47. The charity system as in claim 45, wherein the first means comprising:

- a. means for the entity registering itself and members of the select group into the charity system;
- b. means for the charity system printing the charity card identifying the entity and the members of the select group by an encoding means and mailing the charity cards to the entity for distribution to the select group.

48. The charity system as in claim 45, wherein the second means comprising:

means for the merchant sale terminal printing a sales receipt identifying the entity and the contribution to the entity from the sale transaction.

49. The charity system as in claim as in 45, wherein the second means comprising: means for the merchant sales terminal printing a sales receipt identifying the entity, the contribution to the entity from this sale transaction, and the cumulative contributions from prior sales transactions.

50. The charity system as in claim 45, wherein the third means comprising:

- a. means for collecting contributions from a plurality of merchants allocated to plurality of entities;
- b. means for aggregating contributions for entity and performing one electronic fund transfer to entity bank.

51. The charity system as in claim as in 50, further comprising: means for preparing and sending the entity an accounting statement, identifying the merchant and the contribution from the merchant.

52. The charity system as in claim as in 50, further comprising: means for preparing and sending to the merchant an accounting statement, identifying each of the entities and the contribution from the merchant.

53. A charity system facilitating contributions from a merchant to a charitable entity comprising:

- a. a first function for receiving and storing entity data of those entities willing to influence a select group of public to patronize those merchants who are willing to contribute a percent of their sales to the entities;
- b. a second function for receiving and storing data of members of select group desiring to patronize merchants willing to contribute to the entity;
- c. a third function printing and mailing a charity card encoded with charity identification and member identification to the members of select group;
- d. a fourth function in a merchant computer system with a sale terminal enabling reading the charity card and computing a contribution as a percent of sale and storing

said contribution data identified by entity identification and member identification into a merchant database.

54. The charity system as in claim 53, further comprising:

- a. a fifth function reading the merchant databases from a plurality of merchants and aggregating the contributions to the entity by the merchants;
- b. a sixth function performing a fund transfer of aggregate contributions from the merchants to the entity.

55. The charity system as in claim 53, wherein the second function comprising: receiving and storing a plurality of charitable entity identifications and percent split of contributions between the plurality of charitable entities.

56. The charity system as in claim 55, wherein the charity card additionally encoded with a plurality of entity identifications along with the percent split of contributions.

57. The charity system as in claim 56, wherein the fourth function comprising: splitting the contribution among the plurality of entities and storing said contribution data in the merchant database.

58. The charity system as in claim 57, wherein the fourth function comprising: a sub-function that prints on a sales receipt the entities and the contributions to the entities from the sale transaction.

59. The charity system as in claim 53, wherein the fourth function comprising: a sub-function that prints on a sales receipt the entity and the contribution to the entity from the sale transaction.

60. The charity system as in claim 53, wherein the fourth function comprising: a sub-function that prints on a sales receipt the contribution to the entity from this sale transaction and cumulative contribution from prior sales transactions.

61. A method facilitating contributions from a merchant to a charitable entity comprising the steps of:
- a. making available to a select group of public desiring to benefit the entity a charity card with encoded entity identification;
  - b. presenting the merchant at a merchant computer system with a sale terminal the charity card by members of the select group; and
  - c. reading by the merchant sale terminal of the charity card, computing a contribution by multiplying a sale amount and a percent of sale and allocating the contribution to the entity, wherein the merchant will contribute to the entity the percent of sales of the merchant to the select group.
62. The method as in claim 61, comprising the step of:
- aggregating by the merchant the allocated contributions from a plurality of sale transactions and sending the contributions to the entity.
63. The method as in claim 61, comprising the steps of:
- a. registering by the entity of itself and members of the select group into a universal charity card system;
  - b. printing by the system, the card identifying the entity and the members of the select group by an encoding means and mailing the charity cards to the entity for distribution to the select group.
64. The method as in claim 63, comprising the step of:
- printing by the system, the charity card identifying the entity and a member of the select group by an encoding means and mailing the charity cards to the members of the select group.
65. The method as in claim 61 comprising the steps of:
- a. registering by the entity itself into a universal charity card system; and

b. notifying by the entity of the select group to obtain from the system the charity card identifying the entity and a member of the select group.

66. The method as in claim 61, comprising steps of:

a. collecting contributions by the system from a plurality of merchants allocated to plurality of entities;

b. aggregating by the system contributions for the entity and performing one fund transfer to an entity bank.

67. The method as in claim 66, comprising the step of: preparing and sending by the system to the entity an accounting statement, identifying the merchant and the contribution from the merchant.

68. The method as in claim 66, comprising the step of: preparing and sending by the system to the members of the select group of public an accounting statement identifying the charity and the contribution from the select member purchases from the merchant

69. The method as in claim 66, comprising the step of: preparing and sending by the system to the merchant an accounting statement, identifying each of the entities and the contribution from the merchant.

70. The method as in claim 61, comprising the step of: printing by the merchant sale terminal a sales receipt identifying the contribution to the entity from the sale transaction.

71. The method as in claim 61, comprising the step of: printing by the merchant sales terminal a sales receipt identifying the contribution to the entity from this sale transaction, and the cumulative contributions from prior sales transactions.

72. A sales receipt printed for a customer by a merchant sales terminal, wherein the sales receipt comprising: on the face of the sales receipt, identification of a charitable entity along with an amount of contribution to the entity by the merchant.

73. The claim as in 72, wherein the identification of a charitable entity comprising: identification of at least one charitable cause.

74. The claim as in 72, wherein the amount of contribution comprises: an amount of contribution from a present sales transaction and an amount of contribution from prior sales transactions.

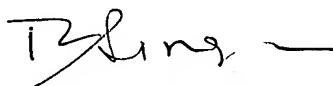
## CONCLUSION

In summary, the present invention allows the merchant to donate as a percent of his/her sales: (i) to charities for only those sales that result to specific customer(s) and not sales to all customers, (ii) only to those charities that are selected by the specific customer(s) and not those selected by the merchant, and (iii) segregate charitable funds by specific customer(s) enabling the sales receipt for these customers to be personalized with their individual contributions to individual charities.

Appellant submits, that therefore, the current invention is entirely of a different scope and the current invention is not obvious under section 35 USC 103(a) and Graham v. Deere test over Pekka and the common practice in the art for merchants to offer a percentage of sales to customer to a specific charity.

Dated this the 3<sup>rd</sup> day of January, 2004

Respectfully submitted,



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Appeal\_Brief08-29-2003